

PRESENT

Commissioner Kathy Carter
*Commissioner Lynn Bowers
Commissioner Andrew Layson
Commissioner Rodney Williams
Mayor William I. May, Jr. (5)

ABSENT

None (0)

* Commissioner Bowers arrived at 5:50 p.m.

Following roll call, the Invocation was given by Miriam Picconi, Pastoral Director, Good Shepherd Church. The Pledge of Allegiance was recited by those in attendance.

It was moved by Commissioner Carter, seconded by Commissioner Layson, to dispense with the reading and approve as distributed the minutes of August 31, 2005 Special Meeting; September 6, 2005 Special Meeting; September 12, 2005 Work Session; and August 22, 2005 Regular Meeting. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Layson, and Williams, and Mayor May (4). Those voting against the motion were none (0). The motion was thereupon adopted.

Mayor May declared the public hearing on Item 3.3, an Ordinance Fixing the Rate of Taxation for the Year of 2005 on all Tangible Property Subject to Tax, Trust, and Insurance Companies, Public Service Companies and Levying Said Tax for all City Purposes, open for public comments. There being no comments, the hearing was closed by general consent.

It was moved by Commissioner Layson, seconded by Commissioner Williams, that Item 6.5 be removed from the Consent Agenda and held for discussion at the October Work Session. Voting in favor of the motion were Commissioners Layson and Williams (2). Voting against the motion was Commissioner Carter, and Mayor May (2). The motion was thereupon defeated.

It was moved by Commissioner Layson, seconded by Commissioner Williams, that Item 6.5 be removed from the Consent Agenda and held for discussion at an upcoming work session. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Layson and Williams (2). Those voting against the motion were Commissioner Carter and Mayor May (2). The motion was thereupon defeated.

Commissioner Layson requested that Item 6.5 be removed from the Consent Agenda and placed under New Business as Item 9.1. Without objection, Item 9.1, to consider authorizing an amendment for the engineering services agreement with HMB Engineers for the East Main Outlet Project, was removed from the Consent Agenda and placed under New Business as Item 9.1.

“AN ORDINANCE PROHIBITING PUBLIC DISTURBANCE NOISE” was presented and read. This Ordinance had its first reading August 22, 2005. It was moved by Commissioner Williams, seconded by Commissioner Layson, that this Ordinance be put upon its final adoption. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Layson and Williams, and Mayor May (4). Those voting against the motion were none (0). The motion was thereupon adopted (Ordinance No. 20, 2005 Series).

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2006 ON ALL MOTOR VEHICLES AND LEVYING SAID TAX FOR ALL CITY PURPOSES” was presented and read.

“AN ORDINANCE FIXING THE RATE OF TAXATION FOR THE YEAR 2005 ON ALL TANGIBLE PROPERTY SUBJECT TO TAX. TRUST AND INSURANCE COMPANIES, PUBLIC SERVICE COMPANIES AND LEVYING SAID TAX FOR ALL CITY PURPOSES” was presented and read.

“RESOLUTION AUTHORIZING THE FILING OF A U. S. ENVIRONMENTAL PROTECTION AGENCY GRANT APPLICATION FOR THE SCHENKEL LANE SEWER REPLACEMENT PROJECT, AND DESIGNATING THE MAYOR TO SIGN ALL GRANT-RELATED DOCUMENTS” was presented. It was moved by Commissioner Layson, seconded by Commissioner Carter, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Layson and Williams, and Mayor May (4). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 11, 2005 Series).

“RESOLUTION AFFIRMING SUPPORT FOR THE BLUEGRASS WATER SUPPLY COMMISSION'S COMMUNITY GROWTH GRANT APPLICATION (CEGG) TO APPLY TOWARD THE WATER COMMISSION'S PHASE I CONSTRUCTION PROJECT” was presented. It was moved by Commissioner Carter, seconded by Commissioner Williams, that the Resolution be adopted. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Layson and Williams, and Mayor May (4). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 12, 2005 Series).

“RESOLUTION ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS)” was presented. It was moved by Commissioner Carter, seconded by Commissioner Layson, that the Resolution be approved. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Layson and Williams, and Mayor May (4). Those voting against the motion were none (0). The motion was thereupon adopted (Resolution No. 13, 2005 Series).

The following miscellaneous and personnel items were presented:

- 6.1 Approved contract award to Sani Tech Services to perform preventative maintenance cleaning of selected sanitary and combined sewers; rates established under Master Agreement between Sani Tech Services and the Commonwealth of Kentucky; hourly rates of \$183.75 include a VAC truck and two operators; contract part of a preventive maintenance program to reduce trouble calls and number of overflows; total contract amount not to exceed \$100,000, paid from Sewer Account 30.68.56550 (Sewer department).
- 6.2 Approved sewer extension contract with HMN 127, LLC for property located at U.S. 127 South, known as Water Tower Place Subdivision, Frankfort, Kentucky; improvements include 5 new manholes and 809 feet of 8-inch SDR 35 pipe serving lot numbers 1, 2, 3, 4, 5 and 6; sanitary sewer plans and specifications approved by the Kentucky Division of Water; final acceptance contingent upon completion of 30-day waiting period for testing after construction completion (Sewer Department).
- 6.3 Approved a Sewer Extension Contract with Shaker Hill Properties, LLC for property located at 2589 U.S. Highway 127 South, known as Hahn Drive Sewer Extension, Franklin County, Kentucky; improvements include 2 new manholes and 292 feet of 8-inch SDR 35 pipe to serve lot numbers 1B and 2A; final acceptance contingent upon completion of the 30-day waiting period for testing after construction completion (Sewer Department).
- 6.4 Authorized bidding process for the Holmes Street Drainage Project, Contract 1, East Main Outlet and Trunk Sewer; planned improvements include 800 L.F. of eight foot diameter storm water drainage tunnel from the Holmes Street Area to the Kentucky River; project cost estimated at \$3,000,000, with a 10% recommended contingency.
- 6.6 Authorized contract award to Highland Roofing; purpose to complete roof replacement of the Wastewater Treatment Plant Administration building at 1200 Kentucky Avenue; Highland Roofing was lowest of 3 bids at \$77,756; funding available in Sewer Account 330.68.56550 (Sewer Department).

- 6.7 Authorized the termination of engineering contract with Jordan, Jones and Goulding (JJG) for design of liquid oxygen ozone generating system at the Wastewater Treatment Plant; Upon completion of design a construction cost estimate prepared was in excess of \$5,500,000; design modifications failed to reduce estimated costs within budget; final invoices will be submitted from JJG for engineering services; funding available in account number 300.68.56550 (Sewer Department).
- 6.8 Authorized award engineering support services to H. K. Bell for the construction of a liquid oxygen ozone disinfection system at the Wastewater Treatment Plant; Sewer Department will approach project as design/build and serve as General Contractor; Ozone System Services Group, Inc. as ozone consultant and H. K. Bell for specifications and drafting; contract cost will be \$20,000; funds are available in account # 300.68.56550 (Sewer Department).
- 6.9 Authorized additional funds added to the engineering contract with Quest Engineers for Schenkel Lane Sanitary Sewer Replacement Project; Initial contract for a scoping services relative to alternatives not to exceed \$100,000; additional fee of \$13,000 for a cave survey; funds available in account # 300.68.56550 (Sewer Department).
- 6.10 Authorized additional funds to HMB engineering contract for the preparation 201 Facilities Plan Update and design services for the Holmes Street Sewer Separation Project; initial contract cost was \$162,200; additional cost of \$14,490 for a total contract amount of \$176, 690; additional services due to additional requirements mandated by Kentucky Division of Water; funds available in account # 300.68.56550 (Sewer Department).
- 6.11 Authorized contract award to Beckman Environmental for installation of a new real time telemetering system with secure internet monitoring at 28 of the sewer departments pump stations; contract will replace 28 outdated and unreliable telemetering stations; this is Phase II of a multi-phase security upgrade; Total Phase II cost is \$100,000; funds available in account # 300.68.56550.
- 6.12 Authorized a Sewer Extension Contract with Brester Homes of Kentucky, LLC for property located at U.S. 421, known as The Village at Duckers, Phase 8, Franklin County, Kentucky; improvements include 10 new manholes and 1,621 feet of 8-inch SDR 35 pipe serving lot numbers 292 through 345; approval of plans and specifications by Kentucky Division of Water; final acceptance contingent upon 30-day waiting period for testing after construction completion.
(Sewer Department)
- 6.13 Authorized application for Litter Abatement funding through the Kentucky Natural Resources and Environmental Protection Cabinet; funding available through House Bill 147 to Kentucky Cities and Counties for litter cleanup on public roadways; funding received based on public street miles within city limits; two local litter cleanups required by KRS 224.43-345 each year; 25% local match required; funds available in 2005-06 Street Department Operating Budget (Public Works).
- 6.14 Authorized application for up to \$43,259 from the Office for Domestic Preparedness of the U.S Department of Homeland Security Assistance to Firefighters Fire Prevention and Safety Grant 2005; authorized Mayor to sign all grant-related documents; grant application window from September 6th through October 7, 2005; funding will purchase a Fire Safety House for education of fire and life safety in Frankfort and Franklin County; no matching funds requirement (Fire Department).
- 6.15 Authorized designating the Rose and Gary Burke Façade Grant as complete; authorized the release of remaining \$2,284 unexpended funds back to the Renaissance funding pool (Special Projects)
- 6.16 Personnel:
- Appointed Mark A. Little to position of Patrol Officer I, effective 9-27-05 (Police Department).
 - Appointed Todd Smither to position of Patrol Officer I, effective 9-27-05 (Police Department).
 - Appointed Richard D. Long to position of Laboratory Assistant, effective 9-27-05 (Sewer Department).
 - Transferred Earl S. Mitchell to Mapping Supervisor/Telecommunicator, effective 9-27-05 (Communications).
 - Confirmed Jonathan Fields as Patrol Officer I, effective 10-5-05 (Police Department).
 - Confirmed David Schroerlucke as Patrol Officer I, effective 10-5-05 (Police Department).
 - Confirmed Richard Tucker as Patrol Officer I, effective 10-5-05 (Police Department).
 - Accepted resignation of Sara Mink, and authorized payment of all accrued vacation and holiday time as of 9-3-05 (Communications).
 - Authorized conditional offer of employment to Mark A. Craycroft as Firefighter/EMT, contingent upon successful completion of physical and drug screen examinations (Fire Department).
 - Authorized conditional offer of employment to Richard P. Weaver, II, as Patrol Officer I, contingent upon successful completion of physical, psychological, polygraph and drug screen examinations (Police Department).

(Commissioner Bowers arrives)

It was moved by Commissioner Carter, seconded by Commissioner Layson, that all items on Consent Agenda be approved. All members being present and no objection having been filed with the City Clerk, the motion was thereupon adopted by general consent.

Board Appointments

It as moved by Commissioner Carter, seconded by Commissioner Williams, to accept the Mayor's recommendation and reappoint Joseph E. Smith to the Frankfort Plant Board, for a four-year term ending, 9-23-09. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Old Business

It was moved by Commissioner Layson, seconded by Commissioner Carter, to send the draft Design Standards for Big Box Developments to the Planning Commission for review and recommendation, and to report back to the Board of Commissioners within 60 days. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson and Williams, and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

It was moved by Commissioner Bowers, seconded by Mayor May, to solicit Requests for Proposals for an Environmental Impact Study regarding the proposed Capital City Airport expansion project. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Bowers and Mayor May (2). Those voting against the motion were Commissioners Carter, Layson and Williams (3). The motion was thereupon defeated

New Business

It was moved by Commissioner Bowers, seconded by Commissioner Carter, to accept the City Managers recommendation to authorize an amendment to an engineering services agreement with HMB Engineers for the East Main Outlet Project. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Williams and Mayor May (4). Voting against the motion was Commissioner Layson (1). The motion was thereupon adopted.

Commissioner Williams asked for a Point of Clarification concerning the procedure for removing items from the Consent Agenda. City Solicitor explained the process per Order No. 4, 2003.

Commissioner Bowers explained her absence from the Special Called Meeting of September 6.

Citizen Comments

Mike Claffy spoke regarding the Capital City Airport Expansion and the unwillingness of the City to support an RFP for environmental and economic evaluation of airport traffic increases.

Mike Greenwell spoke regarding storm and sanitary sewer problems on and near his property and in his house.

It was moved by Commissioner Carter, seconded by Mayor May, that the approval of the minutes of August 22, 2005 be reconsidered. Motion was adopted by voice vote.

It was moved by Commissioner Bowers, seconded by Commissioner Carter, that the phrase “Commissioner Bowers took a point of personal privilege” be added to the beginning of the first sentence of the 3rd paragraph on page 6. Motion was adopted by voice vote.

Commissioner Comments

Commissioner Carter recognized Fire Chief Wallace Possich and Public Works Director Jeff Hackbart for their departments' efforts in support of hurricane relief; called on Chief Possich to explain the ICE (In Case of Emergency) program for cell phones and car window stickers; complimented Public Works for continued service while displaced from the City Hall Fire; complimented the Sanitation Department; complimented two unnamed individuals at Walter Todd for their assistance with hurricane relief; encouraged citizens to participate in weekly curbside recycling, and reported the benefits to the City for participation; asked Mr. Hackbart to explain leaf collection program; requested that citizens presenting petitions designate a responsible individual to enable Commissioners to know whom to call regarding the petition; suggested addressing possible changes to zoning requirements which could assist with revitalizing old neighborhoods, including historical properties guidelines; and stated to Libby Marshall and Mike Claffy not to become discouraged in fighting for causes.

Commissioner Bowers commended Citizens for Open Government for sponsoring a forum featuring Kentucky League of Cities Executive Director Sylvia Lovely.

Commissioner Layson stated City revenues decreased the previous month by 50% over the previous year and belt-tightening needed; commented he failed to return Mike Claffy’s phone call since he failed to see anything constructive, as the FONSI notice directed comment to the appropriate agency and the proper process was followed.

Commissioner Williams commented on the airport expansion proposal and the RFQ proposal for an environmental impact statement. He acknowledged failing to return Mr. Claffy’s phone call, but interpreted the message as such that he did not choose to call. He stated he was unwilling to direct staff to investigate the issue further.

Mayor May stated Texas Senator Kay Bailey Hutcherson, publicly acknowledged Frankfort’s assistance in the hurricane relief effort.

It was moved by Commissioner Layson, seconded by Commissioner Carter, to go into closed session pursuant to KRS 61.810 (1) (f), personnel. The question was put upon the motion and the roll called. Those voting in favor of the motion were Commissioners Carter, Bowers, Layson, Williams and Mayor May (5). Those voting against the motion were none (0). The motion was thereupon adopted.

Mayor

Attest:

City Clerk